





United States Patent and Trademark Office

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATFORNEY DOCKLE NO.	CONTIRMATION NO.	
09'985,743	11/06/2001	Ryosuke Usui	57810-025	4232	
5	7590 02/24/2003				
McDERMOTT, WILL & EMERY			EXAMINER		
600 13th Stree Washington, D	t, N.W. OC 20005-3096		LEE, EUGENE		
			ART UNIT	PAPER NUMBER	
			2815		
			DATE MAILED: 02/24/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary		Application No		Applicant(s)				
		09/985,743		USUI ET AL				
		Examiner		Art Unit	T - 00 - 0			
		Eugene Lee		2815	1			
	- The MAILING DATE of this communication	appears on the cove	er sheet with the d	correspondence a	address			
Period fo		DIVIO SET TO EV	DIDE 1 MONTH	(S) FROM				
THE N - Exter after - If the - If NO - Failu	DRTENED STATUTORY PERIOD FOR REIMALING DATE OF THIS COMMUNICATION Issions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days a period for reply is specified above the maximum statutory period for reply within the set or extended period for reply will by steeply received by the Office later than three months after the model patent term adjustment. See 37 CFR 1 704(b)	N 1 136(a) In no event how reply within the statutory minod will apply and will expire	wever may a reply be tir illnimum of thirty (30) day e SIX (6) MONTHS from to become ABANDONE	mely filed ys will be considered tin in the mailing date of this ED (35 U.S.C. § 133)	dery Communication			
1)[Responsive to communication(s) filed on (06 November 2001						
2a) <u></u>	71110 00011011 10 7 11 11 11	This action is non-						
3)	Since this application is in condition for all closed in accordance with the practice und	owance except for der <i>Ex parte Quayl</i> e	formal matters ip e, 1935 C D i11,	prosecution as to 453 O G 213	the merits is			
	on of Claims	All man						
4)⊠	Claim(s) 1-17 is/are pending in the applica		oration					
	4a) Of the above claim(s) is/are with	drawn from conside	eration					
5)	Claim(s) is/are allowed.							
6)	Claim(s) is/are rejected							
7)[_	Claim(s) is/are objected to	les election require	mont					
8)⊠ Annlicat	Claim(s) <u>1-17</u> are subject to restriction and ion Papers	701 election require	mem					
	The specification is objected to by the Exan	niner						
	The drawing(s) filed on is/are: a) a		ected to by the Ex	amıner				
	Applicant may not request that any objection t	to the drawing(s) be h	neld in abeyance	See 37 CFR 1.85(a)			
11)	The proposed drawing correction filed on _	is a) 🗌 appro	oved b) disappi	roved by the Exar	minei			
	If approved, corrected drawings are required in reply to this Office action.							
12)	The oath or declaration is objected to by the	e Examiner						
	under 35 U.S.C. §§ 119 and 120							
13)	Acknowledgment is made of a claim for for	reign priority under	35 U S C § 119	(a)-(d) or (f)				
а	All b) Some * c) None of							
	1. Certified copies of the priority docum							
	2. Certified copies of the priority docum	nents have been re	ceived in Applica	ation No				
*	 Copies of the certified copies of the application from the International See the attached detailed Office action for a 	al Bureau (PCT Rui	e 17.2(a))		nal Stage			
14)	Acknowledgment is made of a claim for don	nestic priority unde	r 35 U S C § 119	9(e) (to a provision	onal application			
	a)	e provisional applic	ation has been re	eceived				
Attachme								
2) No	ice of References Cited (PTO-892) ice of Draftsperson's Patent Drawing Review (PTO-94) ormation Disclosure Statement(s) (PTO-1449) Paper N	8) 5) 6)	Notice of Inform	ary (PTO-413) Pape al Patent Application	r No(s) (PTO-152)			

Application/Control Number: 09/985,743

Art Unit: 2815

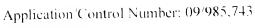
DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1 thru 7, drawn to semiconductor device, classified in class 257, subclass
 506.
 - II. Claims 8 thru 17, drawn to method of making a semiconductor device, classified in class 438, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as the product made and the process of making. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process. For example, as an alternative to the methods set forth in claims 8-17, one can form the element isolation trench without using an etching mask.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CTR 1.143).



Art Unit: 2815

INFORMATION ON HOW TO CONTACT THE USPTO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene. Lee whose telephone number is 703-305-5695. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie C. Lee can be reached on 703-308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Eugene Lee

February 20, 2003

EDINE LEE SUPERVISORY PATENT EXAMINER TECHNOLOGY LENTER 2801